

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

HOWARD U. DUNCAN

Case No. 8:19-po-04571-TJS

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MEMORANDUM AND ORDER

Pending before the Court is Defendant Howard U. Duncan’s “Motion for Modification of Sentence/Probation” (ECF No. 48). Having considered the parties’ submissions (ECF Nos. 48 & 50), I find that a hearing is unnecessary. *See* Loc. R. 105.6. The Motion is **DENIED**.

On January 31, 2022, Mr. Duncan pleaded guilty to unsafe operation and operating a vehicle while under the influence of alcohol, in violation of 36 C.F.R. 4.22(b)(1) and 4.22(a)(1). ECF No. 33. The Court sentenced Mr. Duncan to six months of imprisonment followed by 36 months of probation. *Id.*

Mr. Duncan moves for early termination of probation. ECF No. 48. He notes that he has been on probation for more than two years and has experienced significant personal misfortune during that time. *Id.* He states that he has “complied with treatment/probation,” has registered for college courses, and has served as an usher at his church. *Id.*

The Government and Probation oppose the Motion. ECF No. 50. Probation endorses supervision through the expiration of Mr. Duncan’s term because supervision has “contributed to his recovery and been beneficial.” Probation notes Mr. Duncan’s significant mental health needs and indicates that it will work with Mr. Duncan to develop a plan for treatment after the expiration of supervision to allow for continuity of services. Probation does not view Mr. Duncan as a viable candidate for early termination of supervision. The Government agrees with

Probation's position.

The Court will deny Mr. Duncan's Motion because it is opposed by the Government and Probation. Although Mr. Duncan's performance under supervision has largely been satisfactory, the Court is convinced that Mr. Duncan will benefit from continued supervision. This continued supervision is not to punish Mr. Duncan but to assist him as he continues to navigate hardship in his life through the expiration of supervision.

The Clerk of Court shall mail a copy of this Memorandum and Order to Mr. Duncan at the following address:

Howard U. Duncan
1215 East West Highway
Apt. No. 905
Silver Spring, MD 20910

It is so ordered.

5/5/2025
Date

/s/
Timothy J. Sullivan
Chief United States Magistrate Judge